

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
ROGER WAHL)	MB Docket No. 21-401
)	
WQZS(FM), Meyersdale, PA)	Facility ID No. 57424
)	

TERMINATION ORDER

Issued: December 1, 2021**Released: December 1, 2021**

By, *Hearing Designation Order, Order to Show Cause, and Notice of Opportunity for Hearing* in the above-captioned matter, the Chief, Media Bureau, pursuant to delegated authority, commenced a hearing proceeding to determine whether Roger Wahl is qualified to remain a Commission licensee and whether his license for Station WQZS(FM), Meyersdale, Pennsylvania, should be revoked.¹ The issues to be considered stem from the conviction of Mr. Wahl of a felony and multiple misdemeanors under the Pennsylvania Crimes Code.² To avail himself of the opportunity to be heard and the right to present evidence at the hearing, Mr. Wahl was directed by the *Order to Show Cause* to file a written appearance within 20 days of the mailing of the order, stating that he would appear at the hearing and present evidence on the issues specified.³

The *Order to Show Cause* was released on October 19, 2021, and a copy was mailed to Mr. Wahl by certified mail, return receipt requested, that same day. Due to an error in the address initially used, the Media Bureau mailed another copy of the order to Mr. Wahl on November 8, 2021. Based on the November 8 mailing date, Mr. Wahl's written appearance was due by November 29, 2021. Mr. Wahl has not filed the required written appearance, nor has he submitted a petition seeking dismissal of the *Order to Show Cause* or permission to file his appearance after the deadline.

Section 1.92 of the Commission's rules provides that following the issuance of an Order to Show Cause, the right to a hearing shall be deemed waived if an applicant fails to file a written appearance within the time specified.⁴ Upon that occurrence, the Presiding Judge is directed to issue an order reciting the events or circumstances constituting a waiver of the hearing, terminate the hearing, and certify the case to the Commission.⁵ Because Mr. Wahl has not filed the required notice of appearance or other permissible pleading, his right to a hearing in this matter is deemed waived. As a result, this hearing is

¹ *Roger Wahl, Hearing Designation Order, Order to Show Cause, and Notice of Opportunity for Hearing*, MB Docket No. 21-401, DA 21-1305, 2021 WL 4896332 (MB Oct. 19, 2021) (*Order to Show Cause*).

² *Id.* at paras. 2-5.

³ *Id.* at para. 29. *See also* 47 CFR § 1.91(c).

⁴ 47 CFR § 1.92(a)(1).

⁵ 47 CFR § 1.92(c).

terminated and this case is certified to the Commission.

The prospective assignee of Station WQZS(FM) filed a motion to intervene in this proceeding on November 29, 2021.⁶ Due to the termination of this hearing proceeding, that motion will be dismissed as moot.

Accordingly, **IT IS ORDERED** that, pursuant to Section 1.92(c) of the Commission's rules and paragraph 30 of the *Order to Show Cause*, the hearing proceeding in the above-captioned matter **IS TERMINATED** and this proceeding **IS CERTIFIED** to the Commission.

IT IS FURTHER ORDERED that the Motion to Intervene filed by Wendy Sipple on November 29, 2021, **IS DISMISSED AS MOOT**.

FEDERAL COMMUNICATIONS COMMISSION



Jane Halprin
Administrative Law Judge

⁶ Wendy Sipple, Motion to Intervene, MB Docket No. 21-401 (filed Nov. 29, 2021).